



Isle of Man
Government

Reilrys Ellan Vannin



Department of Home Affairs

CONSULTATION

Fire Precautions (Houses in Multiple Occupation and
Flats) Regulations 2016

April 2016

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Minister's introduction

A core purpose of the Department is to promote and to secure the safety of all the Island's residents whether in our own homes, businesses or places of leisure, recreation and entertainment.

One of the ways this is achieved is through the work of the IoM Fire and Rescue Service (IOMFRS). This consultation document follows a review of the law relating to fire safety in flats, which is now over 20 years' old, and includes similar proposed fire safety measures for Houses in Multiple Occupation (HMOs). At present HMOs, despite their similarity in construction and population density to flats, lack any fire safety regulation.

The draft Fire Precautions (Houses in Multiple Occupation and Flats) Regulations 2016 have consequently been prepared to ensure all residents of flats and HMOs can benefit from the application of modern fire safety standards. The aim is to promote effective fire safety provision with the minimum regulation necessary to achieve that aim.

I invite you to submit your comments on these draft Regulations to Karl Cubbon, Legislation and Policy Officer, at the Department of Home Affairs Headquarters, Tromode Road, Douglas, IM2 5PA by **Monday 6th June 2016**.

Hon. Juan Watterson, BA(Hons), FCA, MHK

Minister for Home Affairs

25th April 2016

Purpose of the Regulations

The Fire Precautions (Flats) Regulations 1996 have not been updated since they came into operation on 1 June 1996.

Furthermore, since the Housing (Miscellaneous Provisions) Act 2011 was brought into operation on 1st January 2014) there has been a need to ensure measures designed to secure fire safety in houses in multiple occupation (known as HMOs) are in place as soon as practicable.

The purpose of these Regulations is to provide modern fire safety standards for flats and to introduce similar fire safety standards for HMOs. In drafting these Regulations, consideration has been given to the feedback provided on the public consultation on the Fire Precautions (Flats) Regulations 2012. As a result the previous proposed requirement for the installation of sprinklers is not included within the attached draft regulations.

The draft Regulations set out in this Consultation are not intended to impose any substantial new obligations on the owners of existing flats on the Island. For persons wishing to build or convert flats, or HMOs, the obligations set out in these regulations will complement those already contained in building control legislation.

It is recognised that, given these regulations will apply to a wide variety of flats and HMOs, they are going to be highly technical in nature. It is therefore the Department's intention, subject to a successful outcome from this consultation, to issue Guidance notes that will assist in the implementation of these new Regulations once they come into operation. In addition, the Department (as the fire authority) will remain able to issue exemptions from the requirements of these regulations if, in the opinion of the Department, appropriate alternative fire safety measures are put in place.

Brief overview of the Regulations

The draft Regulations are divided into nine parts and five schedules.

Part 1 provides for these regulations to commence with effect from 1st January 2017; sets out the definitions of the terms used; provides for their application to the differing types of properties; and prescribes the responsibilities of occupiers, owners and responsible persons for flats and HMOs.

Part 2 specifies the general fire precautions to be taken in all flats, HMOs and buildings containing flats or HMOs. These regulations relate to fire safety through the construction of the properties; provision for escape routes, fire safety equipment; maintenance of buildings, structures and fire safety equipment; and the prohibition of the use of certain types of appliances within these properties.

Part 3 sets out the additional fire safety measures required when flats or HMOs are constructed within a building that may have a variety of occupancies (e.g. shops or offices). These additional measures are focussed on ensuring a safe escape route and effective fire detection systems for the occupants of such flats and HMOs

Part 4 sets out the additional fire safety measures required for flats and buildings containing flats. These additional measures focus on the use of protected lobbies and fire alarm systems necessary for these types of properties.

Part 5 sets out the additional fire safety measures required for small HMOs, i.e. HMOs up to 2 storeys above ground level, which have a floor area on each storey not exceeding 200m². In comparison to larger HMOs, these regulations require less stringent fire safety measures to be taken with regard to the use of fire doors and the installation of fire alarm systems.

Part 6 sets out the additional fire safety measures required for larger HMOs, i.e. HMOs that are either 3 storeys or greater above ground level, or have a floor area on any storey greater than 200m². Due to the higher risk of fire in such properties, and the greater potential consequences of

a fire in such properties, these regulations set out stricter provisions with regard to the use of fire doors and the installation of fire alarm systems.

Part 7 sets out the additional fire safety measures required for buildings containing flats, or HMOs, that are five or more storeys in height. Due to the higher risk of fire in such properties, and the greater potential consequences of a fire in such properties, these regulations require an alternative means of escape from such properties in the event of a fire, and so reduce the risk of escape from the building being prevented due to a blocked escape route.

Part 8 provides for different standards to be applied where certain measures would be too onerous or costly for existing flats, and buildings containing flats, to comply with. The effect of these regulations is to provide that fire safety standards with regard to fire doors, emergency lighting and fire alarm systems, remain the same as those required in the Fire Precautions (Flats) Regulations 1996.

Schedule 1 sets out, for ease of reference, the standards applicable to the fire safety measures set out in these Regulations. It is important to note that these are the minimum standards and the regulations permit equivalent or greater standards to be applied if desired.

Schedule 2 specifies the fire resistance requirements for the various structural elements of flats, HMOs and buildings containing flats and HMOs.

Schedule 3 sets out the maximum travel distances for escape routes exiting a flat or HMO.

Schedule 4 prescribes the forms, regarding notice of fire and escape from fire that must be displayed in flats, HMOs and buildings containing flats and HMOs.

Schedule 5 sets out the requirements for the testing and inspection of emergency systems (e.g. escape routes, fire alarms and fire safety equipment) on a daily, monthly and annual basis.

Consultation questions

The Department would be appreciate it if any submission could, in addition to any views on the Regulations in general, consider the following consultation questions.

- Q1. Subject to the outcome of this consultation, and Tynwald approval, the Department proposes to bring these Regulations into operation on 1st January 2017. Would you be content with that as a start date or would you prefer the Regulations to come into force later; if so when?*
- Q2. Regulation 4 and part 8 of these Regulations make provision for flats built or occupied prior to the commencement of these Regulations. Are those provisions appropriate?*
- Q3. Regulation 5 provides for the Department, as the fire authority, to issue exemptions from the requirements of these regulations. An appeal against a decision not to grant a desired exemption is presently handled on an administrative basis by the Department. Should the appeal process be prescribed in these Regulations?*
- Q4. Provision relating to sprinkler systems in flats and HMOs is currently in B7 of Schedule 1 to the Building Regulations 2014 [SD 2014/0165]. This specifies "Reasonable provision must be made for installation of sprinklers...". Should a further specific requirement be inserted into regulation 17 to require the installation of sprinkler systems in flats¹ or HMOs on grounds of their fire safety benefits?*
- Q5. Regulation 20 and Schedule 5 update and revise the inspection and testing obligations for flats, HMOs and buildings containing flats and HMOs so that such matters must occur on*

¹Regulation 28(3) of the Fire Precautions (Flats) Regulations 2012, which were subject to consultation between September and November 2012, proposed to make the installation of sprinklers in accordance with the relevant standard a fire safety regulatory requirement. Following consultation the regulations were not submitted to Tynwald and instead subject to further consideration, of which this consultation is the outcome.

weekly, monthly and yearly basis in order to improve the maintenance and safety of such properties. Are these new obligations appropriate for such properties?

Q6.Regulation 28 provides that, for flats which are not required to have a protected lobby, a fire door should be installed in between the kitchen and a habitable room. The intention of this measure is to ensure there is a 30 minute escape route from such a flat in the event of a fire in the kitchen, an area of higher fire risk. Do you consider this to be an appropriate requirement? If not, why not and how would you suggest fire safety is secured?

Q7.Regulation 34 specifies that, for HMOs in a building with more than 2 storeys above ground level, or with a floor area (on any storey) greater than 200m², habitable rooms and places presenting special fire hazards should be separated from the common stairs by a minimum of 2 FD30S doors. This measure is intended to ensure that areas of higher fire risk are effectively separated from the escape route(s). Is this regulation an appropriate measure to ensure fire safety in HMOs? If this is not appropriate, what would you suggest as an alternative?

Q8.Regulation 35 requires that, for HMOs in a building with more than 3 storeys above ground level, or with a floor area (on any storey) greater than 200m², each room used for sleeping must contain both a heat detector linked to the alarm system and a self-contained smoke alarm. The intention of this obligation is to ensure that, for these types of high risk property, there is a sensitive smoke alarm for the safety of the occupant of that room, and a less sensitive heat detector to ensure the safety of the building. Is this regulation an appropriate measure to ensure fire safety in HMOs? If it is not appropriate, please set out your alternative fire safety measure.

Feedback to the consultation

It is important to note these draft Regulations have been prepared for the purposes of consultation, and further refinement of the layout and content of the Regulations will be undertaken in the light of the responses to this consultation.

There are six appendices to this consultation document which, along with this document, may be downloaded from the Department's website at www.gov.im/dha/consultations.gov. Should you require a paper copy please contact Karl Cubbon at the postal or e-mail address provided below.

If you have any views or observations or there is some point of clarification you would like to receive, you are invited to respond either by writing to —

Karl Cubbon, Legislation and Policy Officer
Department of Home Affairs Headquarters
Tromode Road, Douglas, IM2 5PA

or by e-mailing dhaconsultation@gov.im

The closing date for the receipt of comments is **Monday 6th June 2016**.

Unless specifically requested otherwise, any responses received may be published either in part or in their entirety, together with the name of the person or body which submitted the response. If you are responding on behalf of a group it would be helpful to make your position clear.

To ensure that the process is open and honest responses can only be accepted if you provide your full name with your response.

It may be useful when giving your feedback to make reference to the number and title of the regulation(s) that you wish to discuss.

The purpose of consultation is not to be a referendum. It is an information, views and evidence gathering exercise from which to take an informed decision on the content of the proposed legislation. As with any consultation exercise, the responses received do not guarantee changes will be made to what has been proposed.

Impact Assessment

IMPACT ASSESSMENT OF:	Fire Precautions (Houses in Multiple Occupation and Flats) Regulations 2016
DEPARTMENT:	Home Affairs
DATE:	19/04/2016
VERSION NUMBER:	1

Responsible Officer: Karl Cubbon, Legislation Development Executive

E-mail Address: dhaconsultation@gov.im

Telephone number: 694300

SUMMARY: INTERVENTION AND OPTIONS

What is the measure intended to do: These draft Regulations are intended to revoke and replace the Fire Precautions (Flats) Regulations 1996 [SD 222/96] with new regulations that apply modern fire safety standards to flats and houses in multiple occupation.

Nature of problem:

The Fire Precautions (Flats) Regulations 1996 have not been updated since coming into operation on 1 June 1996. Since then a number of the measures specified in these regulations have been superseded, or ceased to be relevant. Furthermore, there are present no fire safety standards specified for houses in multiple occupation. As these premises present similar fire safety risks as those presented by flats, it follows they should be regulated in a similar manner.

Purpose of Proposal:

These Regulations will update the legislation in this area and ensure modern and appropriate fire prevention measures are in place in the Island's flats, HMOs and buildings containing such properties.

Means by which it is to be achieved

Option 1: The draft Regulations are not progressed.

The Island's fire precautions for flats would remain at the standards set in 1996 and there would no fire safety measures prescribed for houses in multiple occupation, causing significant concerns for the safety of residents of such premises.

Option 2: (preferred option) The draft Regulations are issued for public consultation and subsequently progressed through Tynwald, subject to any changes agreed as a result of the consultation exercise.

The fire safety measures proposed in flats and HMOs, and buildings containing flats and HMOs, would complement the requirements of building control legislation.

Ministerial sign off for Options stage

I have read the Impact Assessment and I am satisfied that given the available information, it represents a reasonable view of the likely costs and impact of the preferred option.



*Hon Juan Watterson BA(Hons) FCA MHK
Minister for Home Affairs*

22nd April 2016

SUMMARY: ANALYSIS AND EVIDENCE

IMPACT OF PROPOSAL

Resource Issues - Financial (including manpower)

Statement: It is considered these Regulations have no negative financial impact on the Department or the public. As building control legislation already mandates fire safety standards these regulations will not have any cost implications for flats or houses in multiple occupation. These regulations do not have retrospective application.

Likely Financial Costs one off: None.

Average Annual (excluding one off): None.

Likely Financial Benefits one off: Fortunately fires in flats are relatively rare on the Island. However, when such fires do occur, significant costs to the public purse are incurred over the short, medium and long term. For a fire resulting in a death (e.g. the Demesne Road fire, March 2009) these costs can exceed £1.4 million pounds; once expenditure relating to the emergency response to the fire, investigating the death and providing emergency housing for the affected residents of the entire building is taken into account. Even smaller scale fires without fatalities (e.g. Lord street flat fire, September 2011) incur considerable costs after taking into account the need to assess the safety of the overall property and provide emergency housing to the affected flat residents.

Since HMOs have similar issues with regard to density of population and standards of construction, it is anticipated a fire in a HMO would incur similar costs to that in a building containing flats with the the same number of occupants.

These regulations, once in force, will ensure flats and houses in multiple occupation have appropriate fire safety measures in place such that the risks and costs imposed on the public purse, of the consequence of a fire in such properties, will be greatly reduced. In addition, these regulations will decrease the inconvenience and distress of such fires and, most importantly, save lives.

Average Annual (excluding one off): None.

If the proposal introduces provisions that will require enforcement or monitoring who will undertake this and what is the likely annual cost:

Any enforcement required by these Regulations will be undertaken by the Fire and Rescue Service as part of their existing functions and is therefore not considered an additional cost.

Are there any costs or benefits that are not financial i.e. social:

The new regulations will improve the fire precautions observed in flats and houses in multiple occupation, helping to save lives and reduce inconvenience to the public in the event of a fire.

Has Treasury Concurrence been given for the preferred option?:

No, as these Regulations are not expected to increase the expenditure of Government or require any additional public service human resources.

Key Assumptions / Sensitivities / Risks:

The key assumption is that people wish to have the assurance their flat or house in multiple occupation meets modern fire safety standards and will therefore support the proposed regulations. The risk is that others may consider the proposed regulations specify requirements that are too onerous. The Department considers the right balance has been struck between leaving the flats regulations as they are and bringing safety regulation up to standards that apply today rather than in 1996. The Department also considers it is essential to make fire safety provision for houses in multiple occupancy in any event.

Approximate date for legislation to be implemented if known:

Subject to responses to the consultation exercise and Council of Ministers authority, it is envisaged that these Regulations will be submitted for approval by Tynwald before the General Election in September 2016..

Link to Government Strategic Plan:

Quality of life

Link to Department/Statutory Board/Office Aims and Objectives:

To provide the highest possible standards in community safety, through the promotion of joint working and the efficient and effective management of prevention, protection and emergency response measures.

SUMMARY: CONSULTATION

Consultation in line with Government standard consultation process: Yes.

Date: 22nd April 2016

Statement:

It is proposed the Regulations be subject to a consultation period of not less than six weeks. Copies of the consultation document and draft regulations are available from Karl Cubbon by e-mailing: dhaconsultation@gov.im

**Fire Precautions (Houses in Multiple Occupation and Flats) Regulations 2016
(paginated separately)**

**Fire Precautions (Flats) Regulations 1996
(paginated separately)**

The six consultation criteria

1. Consult widely throughout the process, allowing a minimum of 6 weeks for a minimum of one written consultation at least once during the development of the legislation or policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your Department's effectiveness at consultation.
6. Ensure your consultation follows best practice, including carrying out an Impact Assessment if appropriate.

List of persons or bodies consulted regarding these draft Regulations

- Tynwald Members
- Attorney General
- Local Authorities
- Chief Officers
- Chamber of Commerce
- Law Society
- Isle of Man Construction Forum
- Isle of Man Employers Federation
- TUC
- Estate and letting agents
- Liberal Vannin
- Manx Labour Party
- Positive Action Group



**Recordable Accidental Fire Fatalities
2002 – 2015**

(BVPI 143a – Number of deaths arising from accidental dwelling fires per 100,000 population)

Year	No.	Sex	Age	Geographical Location	Type of Property	Time of Year	Extent of Fire	Supposed Cause
2002	1	Female	50	Snafell Road, Willaston	Local Authority House	November		
2003	0							
2004	2	1 x Female	57	Mona Terrace, Castletown	Terraced House	January	Room of Origin (Lounge)	Careless Disposal (cigarette)
		1 x Male	46	Demesne Road, Douglas	3 rd Floor Flat in building containing two flats	March	Room of Origin (Kitchen)	Toaster
2005	0							
2006	2	1 x Female	78	Pony Fields, Port Erin	Ground Floor Flat in End of Terrace House	January	Couch and immediate area surrounding	Careless Disposal (cigarette)
		1 x Female	70	Mill Road, Ballasalla	Detached House	December	Armchair and immediate area surrounding	Spark from Open Fire Fire
2007	0							
2008	1	Male	24	Rowany Road, Port Erin	1 st Floor Flat in building containing Four Flats	December	Room of Origin (Bedroom) + Hall	Careless Disposal (cigarette in bed)
2009	0							
2010	1	Female	92	Westmoreland Road, Douglas	Local Authority Semi-Detached House	April	Room of Origin (Lounge) Smoke Damage + Localised Fire Damage	Elderly Lady Fell onto Electric Two Bar Fire
2011	0							

2012	1	Male	75	Larivane Meadows Andreas	Private bungalow	Semi-detached	January	Room of Origin (Bedroom) Confined to bed linen + clothing	Elderly Gentleman (limited mobility due to stroke) smoking in bed
2013	0								
2014	2	1x Male	91	Station Road, Port Erin.	Private, Detached bungalow		February	Room of Origin (bedroom)	Electrical
		1x Female	71	Copse Hill, Douglas	Private, detached bungalow		March	Confined to clothing	Elderly lady, registered blind, smoking materials.
2015	0								



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These documents can be provided in
a large print format on request

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